

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> DAVID WILLIAMS SLEETS,	:	
Petitioner,	:	
	:	
v.	:	CIVIL ACTION NO. 16-930
	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, <i>et al.</i>,	:	
Respondents.	:	
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ORDER

AND NOW, this 29th day of March 2018, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and all related filings, and upon review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**¹;
2. The Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE**;
3. There is no probable cause to issue a certificate of appealability²; and

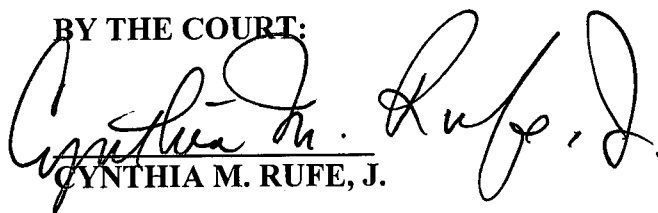
¹ Petitioner, who is currently incarcerated at the Lancaster County Prison awaiting trial on charges of kidnapping of a child, endangering the welfare of a child, aggravated assault, and attempted homicide, filed this petition for writ of habeas corpus *pro se* pursuant to 28 U.S.C. §2241. In 2015, Petitioner had been declared incompetent for trial and committed to a state mental institution for treatment. Petitioner now seeks to obtain new counsel who does not question his competency as well as relief for other asserted violations of his rights to due process and a speedy trial. The Court agrees with Magistrate Judge Strawbridge's conclusion that Petitioner has failed to exhaust any of his cognizable claims in state court or to establish the existence of any extraordinary circumstances. Accordingly, his petition will be dismissed without prejudice.

² Petitioner has not made a substantial showing of the denial of a constitutional right; there is no basis for concluding that "reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal citation omitted).

4. The Clerk of Court is directed to **CLOSE** the case for statistical purposes.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.